

ORDINANCE NO. 2014 - C

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING ARTICLE IV, DEVELOPMENT STANDARDS; DIVISION 2, ACCESSORY USES AND STRUCTURES; ADDING DIVISION 7-B, HOME OCCUPATIONS AND LIVE/WORK; DIVISION 8, LANDSCAPING; ADDING DIVISION 9-B, OUTDOOR DISPLAY; ADDING DIVISION 9-C, OUTDOOR SEATING; DIVISION 14, RESIDENTIAL CARE FACILITIES; DIVISION 17, SIGNS; AMENDING ARTICLE V, DEVELOPMENT REVIEW; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of Hallandale Beach desires to comprehensively update its zoning and land development code for its Regional Activity Center to simplify the understanding and application of the code and to make it fully consistent with requirements of Broward County; and

WHEREAS, City Administration has reviewed the existing zoning and land development code and determined that the reorganization and substantial modifications set forth in this ordinance are essential to meet these requirements; and

WHEREAS, pursuant to Section 2-231 of the City's Code of Ordinances, the Planning and Zoning Board reviews and makes advisory recommendations to the City Commission with regard to all zoning and land development code amendments; and

WHEREAS, at duly noticed public hearings on August 27 and September 23, 2014, the Planning and Zoning Board found this ordinance to be consistent with the Hallandale Beach Comprehensive Plan and recommended that the City Commission approve these code revisions; and

WHEREAS, the City Commission, at duly noticed public hearings on _____, 2014, and on _____, 2014, received and considered comments from the public and carefully considered this ordinance; and

WHEREAS, the Mayor and City Commission have determined it to be in the best interest of the City that the zoning and land development code be amended as described here.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF HALLANDALE BEACH, FLORIDA:

SECTION 1. Chapter 32, Article IV "Development Standards," Division 2 "Accessory Uses and Structures" of the zoning and land development code of Hallandale Beach is hereby amended to include a new subsection 32-242(c) as follows:

(c) Accessory dwelling units are permitted only in zoning districts that explicitly permit them and regulate their size and placement.

SECTION 2. Chapter 32, Article IV “Development Standards” of the zoning and land development code of Hallandale Beach is hereby amended to include a new division 7-B “Home Occupations and Live/Work” and a new section 32-370 “Home Occupations and Live/Work” that relocates and revises former section 32-191, as follows:

ARTICLE IV. DEVELOPMENT STANDARDS
DIVISION 7-B. HOME OCCUPATIONS AND LIVE/WORK

Sec. 32-370. Home Occupations and Live/Work.

(a) Home Occupations *[the non-underlined text that follows is being re-adopted from former Sec. 32-191 and renumbered as shown]*

(1 a) *Purpose.* This section is intended to provide for home occupational uses within residential districts which are compatible with residential uses and do not detract from the residential character of the neighborhood. It is further the intent of this section to regulate the operation of a home occupation in such a manner that the average neighbor will be unaware of its existence. All home occupations shall conform with all requirements and stipulations of this section prior to the issuance of an occupational license.

(2 b) *Performance standards.* A home occupation is allowable as an accessory use in a dwelling unit in any residential area. No home occupation shall be permitted unless it complies with all of the following standards:

(a. 4) The use shall be conducted entirely within a dwelling and carried on only by the residents of the dwelling.

(b. 2) No more than 25 percent of the area of the residence and no garage or accessory building or structure is used for the business purpose.

(c. 3) No sign relating to the home occupation or any business may be posted or displayed on the site and no vehicles with any signs displaying the business or residential address, which might serve to indicate that the dwelling is being used for a business occupation use, may be located on the premises.

(d. 4) No person or customer shall be serviced in person on the site nor shall the occupation be conducted in any way which would necessitate suppliers or customers visiting the site.

Exception. Individual tutoring shall be permitted at the residence, provided there are no more than two students at any one time in the residence.

(e. 5) No goods shall be displayed for sale or as samples either inside or outside on the site.

(f. 6) No noise, odors, smoke, electrical interference, hazardous materials or nuisance of any type shall arise from or be used in the conduct of the occupation.

(g. 7) The address or telephone of the premises may be used for receiving business mail and telephone calls provided no more than one business phone line and one fax/modem line are used and the home address is not listed in any Yellow Pages advertising.

(h. 8) The home address shall not be used for purposes of advertising, soliciting or announcing the licensed use of the premises through printed material or any other media, except stationery and business cards.

(i. 9) The use shall not generate additional pedestrian or vehicular traffic.

(3 e) *Occupational licenses.* All applicants for restricted occupational license shall be required to sign a sworn statement attesting to their knowledge and understanding of the restrictions and conditions of operating a home business, as set forth by this section, and advising that the residence is subject to inspection by the city. The applicant shall further execute a waiver permitting inspection, upon prior notice by the city, if the city has reasonable cause to believe that the applicant is in violation of this chapter. The license fee shall be as set by resolution of the city commission.

(4 d) *Applicability of chapter.* No provision of this section may be deemed to be a waiver of any other requirement of this chapter unless it is expressly so stated.

(b) Live/work dwelling units.

(1) A live/work dwelling unit is defined by this chapter as a single dwelling unit in a detached building, or in a multifamily or mixed-use building, that also accommodates limited commercial uses within the dwelling unit. The minimum size for each unit in a detached building is 1,000 square feet; in a multifamily or mixed-use building, 850 square feet.

(2) The predominate use of a live/work unit is residential, and commercial activity is a secondary use. The quiet enjoyment expectations of residential neighbors takes precedence over the work needs of a live/work unit.

(3) Commercial uses in live/work units must be conducted entirely within the unit or customary residential accessory building.

(4) Up to two employees or contractors other than members of the immediate family residing in the dwelling may work in a live/work unit.

(5) Signage for live/work units is limited to one non-illuminated wall or window sign up to three square feet.

(6) No commodities, stores, or display of products on the premises shall be visible from the street or surrounding residential area, and no outdoor display or storage of materials, goods, supplies, or equipment used in the live/work unit shall be permitted on the premises.

(7) Required parking spaces shall be in accordance with general residential parking standards, plus 1 space per employee.

(8) No equipment shall be used which creates noise, vibration, glare, fumes, or odors outside the dwelling unit that are objectionable to the normal senses.

(9) Commercial uses in live/work units are limited to *Offices* and to *Store & Services, General*, as those terms are defined by this code. However, due to the residential nature of live/work units, visits from customers, clients, and suppliers shall average no more than a total of thirty visits per week.

(10) Where live/work dwelling units require conditional use approval, the approval may specify an annual review process that could result in revocation if these requirements and any other conditions of approval are not maintained.

(c) Work/live dwelling units.

- (1) A work/live dwelling unit is defined by this chapter as a single dwelling unit in a detached building, or in a multifamily, mixed-use, or commercial building, where the predominate use of the unit is commercial.
- (2) Because the predominate use of a work/live unit is commercial, customary commercial impacts may take precedence over the quiet enjoyment expectations of residential neighbors.
- (3) Commercial uses in work/live units must be conducted entirely within the unit or customary accessory building.
- (4) Signs shall be in accordance with the standards for business signs.
- (5) One additional parking space is required for the dwelling unit.
- (6) Commercial uses in work/live units are limited to *Offices* and to *Store & Services, General*, as those terms are defined by this code.

SECTION 3. Chapter 32, Article IV "Development Standards" of the zoning and land development code of Hallandale Beach is hereby amended as follows:

**ARTICLE IV. DEVELOPMENT STANDARDS
DIVISION 8. LANDSCAPING**

Sec. 32-384. Landscaping Requirements.

- (a) *Landscape area requirements.* The minimum amount of required landscape area for all uses, unless otherwise stipulated within this chapter or within a specific zoning district, shall be as follows:
- (1) All single-family detached residential uses: 50 percent, with at least 15 percent in the rear yard.
 - (2) All duplex uses: 40 percent.
 - (3) Townhouse development: 40 percent.
 - (4) Mobile home uses: 30 percent.
 - (5) Multi-family uses in RM-18 district: 30 percent.
 - (6) Multi-family uses in RM-25 and RM-HD-2 districts: 30 percent.
 - (7) All public, institutional, and permitted nonresidential uses in residential districts: 25 percent.
 - (8) All commercial uses: 15 percent.
 - (9) All industrial uses: 15 percent.
- [no further changes to section 32-384]*

SECTION 4. Chapter 32, Article IV “Development Standards” of the zoning and land development code of Hallandale Beach is hereby amended to include a new division 9-B “Outdoor Display” and a new section 32-415 “Outdoor Display” that relocates former section 32-168, as follows:

ARTICLE IV. DEVELOPMENT STANDARDS
DIVISION 9-B. OUTDOOR DISPLAY

Sec. ~~32-415~~ 32-168. Outdoor display.

[no change to former text being moved here from section 32-168]

SECTION 5. Chapter 32, Article IV “Development Standards” of the zoning and land development code of Hallandale Beach is hereby amended to include a new division 9-C “Outdoor Seating” and a new section 32-420 “Outdoor Seating” that relocates former section 32-169, as follows:

ARTICLE IV. DEVELOPMENT STANDARDS
DIVISION 9-C. OUTDOOR SEATING

Sec. ~~32-420~~ 32-169. Outdoor seating.

[no change to former text being moved here from section 32-169]

SECTION 6. Chapter 32, Article IV “Development Standards” of the zoning and land development code of Hallandale Beach is hereby amended as follows:

ARTICLE IV. DEVELOPMENT STANDARDS
DIVISION 14. RESIDENTIAL CARE FACILITIES

Sec. 32-524. Location of facilities.

Residential care facilities are permitted in the zoning districts described on the following chart provided that no new residential care facility may be located within a 1,000-foot distance from a lawfully existing residential care facility:

Type of Facility	Single Family Zone Group ¹	Two-Family Zone Group ²	Multiple-Family Zone Group ³	Business Office & Institutional Zone Groups ⁴	Industrial Group ⁵
Congregate housing	NP	NP	CU	CU	NP
Foster homes	CU	CU	CU	NP	NP
Group home I-A	CU	CU	CU	NP	NP
Group home I-B	CU	CU	CU	NP	NP
Group home II-A	NP	CU	CU	P	NP
Group home II-B	NP	CU	CU	P	NP
Group home III-A	NP	NP	CU	P	NP
Group home III-B	NP	NP	CU	P	NP
Life care facility	NP	NP	CU	CU	NP

Legend

P — Permitted use
CU — Conditional use
NP — Not permitted

¹ Single-family zone group—All RS districts

² Two-family zone group—RD-12 district; also the Palms Gateway subdistrict of the West RAC zoning district

³ Multiple-family zone group—RM-18 and RM-25 districts; also the RAC Neighborhood subdistrict of the Central RAC zoning district

⁴ Institutional, commercial and office zone group—All commercial districts, CR, B-O, B-L, B-G, B-H and B-I; also these subdistricts of the West RAC zoning district: Pemboke Road, Foster Road; also these subdistricts of the Central RAC zoning district: RAC Corridor, Transit Core, Transitional Mixed Use, Fashion/Art/Design, Greyhound Track

⁵ Industrial zone group—I-L district

SECTION 7. Chapter 32, Article IV “Development Standards” of the zoning and land development code of Hallandale Beach is hereby amended as follows:

ARTICLE IV. DEVELOPMENT STANDARDS DIVISION 17. SIGNS

Sec. 32-605. Permitted signs.

- (a) *Generally.* No sign of any kind shall be permitted, constructed, erected or maintained within the various zoning use districts of the city except as provided in this section.
- (b) *Single-family, two-family districts.* The following signs are permitted in single-family and two-family residential districts, including without being limited to RS-5, RS-6, RS-7 and RD-12 districts and the Foster Road subdistrict of the West RAC district:
[no further changes]
- (c) *Multi-family districts.* The following signs are permitted in multi-family residential districts, including without being limited to RM-18, RM-25 and RM-HD-2 districts and the RAC Neighborhood subdistrict of the Central RAC district: [no further changes]
- (d) *All other zoning districts.* The following signs are permitted in all other zoning districts: [no changes]

SECTION 8. Chapter 32, Article V “Development Review” of the zoning and land development code of Hallandale Beach is hereby amended as follows:

ARTICLE V. DEVELOPMENT REVIEW

Sec. 32-782. Applicability.

- (a) *Review procedures.* All applications for a development permit within the city shall be subject to development review procedures, including both site plan review and impact evaluation. Applications shall be classified as either of a minor or major nature for the purposes of determining procedural review and approval responsibilities. The following classifications are established:
 - (1) *Minor development.* Minor developments shall include those which contain less than ten residential dwelling units, or less than 4,000 square feet of nonresidential gross floor area and shall be subject only to staff review and approval.
 - (2) *Major development.* Major developments shall include those which contain ten residential dwelling units or more, or 4,000 square feet of nonresidential gross floor

area or more and shall be subject to review by staff and the planning and zoning board, and review and approval by the city commission.

(3) Major development with administrative review. Certain development applications in the Central RAC zoning district that would otherwise qualify as major developments are subject only to staff review and approval; see section 32-205(a).

(4) ~~(3)~~ Division of proposed developments prohibited. Applicants may not divide or phase developments to avoid being subject to major development classification. If an applicant obtains approval for a minor development, and, within two years from that approval, that applicant or his successor in interest, submits another application for a development permit on the same parcel of property that, together with the previously approved development, would qualify as a major development, then the entire project, including that portion previously approved, shall be subject to the requirements for major developments.

SECTION 9. Conflict. All ordinances or portions of the Code of Ordinances of the City of Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the extent of such conflict.

SECTION 10. Severability. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 11. Codification. It is the intention of the Mayor and City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention the words "ordinance" or "section" may be changed to other appropriate words.

SECTION 12. Effective Date. This Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED on 1st reading on _____, 2014.

PASSED AND ADOPTED on 2nd reading on _____, 2014.

JOY F. COOPER
MAYOR

SPONSORED BY: CITY ADMINISTRATION

ATTEST:

CITY CLERK

253 APPROVED AS TO
254 LEGAL SUFFICIENCY
255 AND FORM

256 _____
257 V. LYNN WHITFIELD
258 CITY ATTORNEY